



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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## HOUSE WEEK IN REVIEW

The House of Representatives and the Senate adopted the free conference report on **H.3010**, legislation establishing a **STATEWIDE CHARTER SCHOOL DISTRICT**, and ratified the bill. The legislation revises oversight for South Carolina's charter schools, which are freed from certain statewide regulations to provide specialized or innovative educational approaches. Under current law, charter schools are sponsored by local school districts. This legislation allows the option of statewide, rather than local, sponsorship by creating the South Carolina Public Charter School District which is authorized to sponsor and oversee a charter school. This newly created statewide public body, the South Carolina Public Charter School District, must be considered a local education agency and is eligible to receive state and federal funds and grants available for public charter and other schools to the same degree as other local education agencies. The South Carolina Public Charter School District may not have a local tax base and may not receive local property taxes. The South Carolina Public Charter School District shall distribute state funds to the charter schools it sponsors under a formula provided in the legislation. The office of the new district is to be housed at the State Department of Education. The legislation provides for the membership and terms of an eleven-member board of trustees to govern the South Carolina Public Charter School District. Under the legislation, a charter school may terminate its contract with a sponsor before the five-year term of contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor without review from the Charter School Advisory Committee. The legislation specifies that charter schools are eligible covered employers in the South Carolina Retirement Systems. The legislation provides that within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member that includes such topics as policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The legislation also provides that within ninety days of employment, an administrator employed by a charter school, who is not certified, shall complete successfully an orientation program in the powers, duties, and responsibilities of a school administrator that includes such topics as personnel, instructional programs, school finance, school law, ethics, and community relations. These orientation programs must be provided at no charge by the State Department of Education or an association approved by the department.

The House concurred in Senate amendments to **H.3591** and enrolled the bill for ratification. This legislation contains provisions for **COUNTERING THE ILLEGAL METHAMPHETAMINE TRADE**. Currently, over the counter nasal decongestants featuring pseudoephedrine, which can be used in the illegal manufacture of methamphetamine, are readily obtainable from self-service shelves in retail stores. Under this legislation, products whose sole active ingredient is ephedrine or pseudoephedrine may not be offered for retail sale by self-service, but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by a retail store employee or agent. Such products may be offered for retail sale only if sold in blister packaging. No person may deliver in any single over the counter sale more than three packages of any product containing ephedrine or

pseudoephedrine as the sole active ingredient or in combination with other active ingredients or any number of packages that contain a combined total of more than nine grams of ephedrine or pseudoephedrine base. A violator of these provisions is guilty of a misdemeanor and, upon conviction for a first offense must be fined not more than five hundred dollars, and, upon conviction for a second or subsequent offense must be imprisoned not more than six months and/or fined not more than one thousand dollars. Persons delivering or selling products containing ephedrine or pseudoephedrine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign a written or electronic log showing the date of the transaction, name of the person, the person's address, and the amount of the compound, mixture, or preparation. Retailers must retain the information for at least two years and make the log available for inspection within twenty-four hours of a request made by a local, state, or federal law enforcement officer. A retailer convicted of a violation of these log-keeping requirements is guilty of a misdemeanor and must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars. The legislation provides that it is unlawful for a retailer to purchase any product containing ephedrine or pseudoephedrine from any person or entity other than a manufacturer or a wholesale distributor registered by the United States Drug Enforcement Administration. A person convicted of a first offense violation is guilty of a misdemeanor and must be imprisoned not more than one year and/or fined not more than one thousand dollars. A second or subsequent offense is a misdemeanor subject to not more than three years' imprisonment and/or a fine of not more than five thousand dollars. The legislation provides that it is unlawful for any unauthorized person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute, any substance containing any amount of ephedrine, pseudoephedrine, or any of its salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, dissolved, solvated, or crushed. A person convicted of a violation is guilty of a felony and, upon conviction for a first offense must be imprisoned not more than five years and fined not more than five thousand dollars. The court, upon approval from the solicitor, may request as part of the sentence, that the offender enter and successfully complete a drug treatment program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not less than ten thousand dollars. These restrictions do not apply to: (1) pediatric products labeled under federal regulation as primarily intended for administration to children under twelve years of age according to label instructions; and (2) products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its variants.

**H.3591** establishes criminal penalties that respond to the particular dangers the illicit methamphetamine trade poses for children. The legislation provides that it is unlawful for an adult to illegally manufacture amphetamine, methamphetamine, or its variants in the presence of a minor child, or to knowingly permit a minor child to be in an environment where these substances are sold or where the paraphernalia and volatile, toxic chemicals used in their manufacture are stored. Upon conviction for a first offense, a violator must be imprisoned not more than five years and/or fined not more than five thousand dollars. Conviction for a second or subsequent offense carries a penalty of

imprisonment for not more than ten years and/or a fine of not more than ten thousand dollars.

**H.3591** also provides that it is a felony offense for an unauthorized individual to dispose of waste from the production of methamphetamine. Upon conviction for a first offense, a violator must be imprisoned not more than five years and/or fined not more than five thousand dollars. A second or subsequent offense carries a penalty of imprisonment for not more than ten years and/or a fine of not more than ten thousand dollars. In addition, a violator is required to pay restitution for any emergency response or environmental cleanup costs.

Five years after enactment of this legislation, **H.3591** establishes a study committee to review the implementation and application of the legislation and issue a report, including recommendations for legislative changes.

The House concurred in Senate amendments to **H.3060** and enrolled the bill for ratification. The bill provides that a person who knowingly subjects another person to forced labor or services, or recruits, entices, harbors, transports, provides, or obtains by any means another person knowing that the person will be subjected to forced labor or services, or aids, abets, attempts, or conspires to do any of the above acts is guilty of a **FELONY KNOWN AS TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES** and, upon conviction, must be imprisoned for not more than 15 years. Under the bill the term, 'forced labor or services' means any type of labor or services performed or provided by a person rendered through another person's exertion of physical, financial, or other means of control over the person providing the labor or services. These provisions do not apply to labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility.

The House concurred in Senate amendments to **H.4347** and enrolled the bill for ratification. This bill provides that a woman may breastfeed her child in any location where the mother and her child are authorized to be. **BREASTFEEDING** a child in a location where the mother is authorized to be is not considered indecent exposure.

The House concurred in Senate amendments to **H.3735**, providing for the **SUSPENSION OF DRIVER REGISTRATION FOR FAILURE TO PAY A TOLL**, and enrolled the bill for ratification. This legislation requires the Department of Motor Vehicles (DMV) to suspend the registration of, and not reregister, a motor vehicle that was operated when its driver failed to pay a toll and whose owner has an outstanding judgment for failure to pay a toll. The bill provides a procedure for entering a judgment against the owner or operator of the vehicle and provides that the suspension or denial of registration or reregistration must remain in effect until the judgment is satisfied.

The House approved **S.205**, providing a **PROPERTY TAX EXEMPTION FOR THE MARINE CORPS LEAGUE**, and enrolled the bill for ratification. This bill adds property of the Marine Corps League to the classes of property which are exempt from *ad valorem* taxation.

The House concurred in Senate amendments to **H.4572**, providing for **GAME ZONE CONSOLIDATION** and revisions, and enrolled the bill for ratification. Currently, the State is divided into eleven game zones. This bill reduces the number of game zones

from eleven to six. Along with the revised boundaries of the game zones, the bill also amends various game hunting seasons and requirements.

The House amended, approved, and sent to the Senate **H.4465**, a bill establishing a **TAX STUDY COMMISSION**. The bill replaces the Joint Committee on Taxation with the Tax Study Commission (the Commission) and provides for the membership and duties of the Commission. The bill provides that among the duties of the Commission, in addition to the duties currently required of the Joint Committee on Taxation, is the review and evaluation of tax legislation introduced or prepared for introduction in the General Assembly for the specific effects such legislation would have on the state's tax structure, and the evaluation of how proposed tax law changes relate to the adequacy, equity, and efficiency of the state's tax structure. The bill provides that the first order of business for the Commission is to review all exemptions currently allowed in the South Carolina Sale and Use Tax Act (the Act) and make a report and recommendations of the review, as described in the bill, to the General Assembly and the Governor before January 9, 2007. The report must include specific recommendations with respect to the elimination or revision of current exemptions, and if such eliminations or revisions are recommended, the Commission must include in its report a reduced state sales and use tax rate adjusted to the nearest tenth of a percent to remain revenue neutral when applied to the increased sales and use tax base resulting from the report's approval by the General Assembly. The bill includes a provision that if the General Assembly, by joint resolution, fails to approve or disapprove the recommendations and conforming changes to the Act by July 1, 2007, the recommendations and changes in the Act do not take effect. The bill provides that amendments to the recommendations and proposed conforming changes in the Act may not be made by the General Assembly while under consideration for approval or disapproval except with respect to the rate of the state sales and use tax included in the report, which the General Assembly may amend only for the purpose of maintaining revenue neutrality. The General Assembly may by concurrent resolution request the Commission to withdraw its recommendations and conforming changes and resubmit them with revisions. The bill provides that the Commission is repealed July 1, 2011, unless the General Assembly enacts legislation before that date extending the existence of the Commission. The Joint Committee on Taxation is abolished when the bill becomes effective.

The House amended, approved, and sent to the Senate **H.4874**, the "**SOUTH CAROLINA ECONOMIC DEVELOPMENT INCENTIVE ACT.**" This bill authorizes and provides for a manufacturing facility to claim a twenty-five percent tax credit for costs it incurs in complying with whole effluent toxicity testing. Unused credits may be carried forward for ten years. The bill provides that purchases of natural gas made by a manufacturing property including, but not limited to, distribution and warehouse space are exempt from sales tax if natural gas prices equal or exceed \$6.50 for each decatherm. Relating to the apportionment of income for certain businesses, the bill provides for the calculation of apportioned income using sales figures. The bill includes a bank as a taxpayer who may qualify for the jobs tax credit. The bill amends current provisions regarding a tax credit against income tax for companies using the state's port facilities. The bill provides that a taxpayer engaged in manufacturing, warehousing, or distribution which uses port facilities in this State and which increases its port cargo volume at these facilities by at least five percent in a single calendar year over its base year port cargo volume is eligible to claim a tax credit in the amount determined by the Coordinating Council for Economic Development. The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this provision may not exceed eight million dollars per calendar year, and a taxpayer may not receive more than one million dollars

for each calendar year unless the eight million dollar amount of full credit is not fully allocated. Regarding the income tax credit for corporate headquarters, the bill includes a bank's headquarters and provides that a "company business unit" is an organizational unit of a corporation or bank and is defined by the particular product or category of products it sells. The bill allows for a reduction against the job development tax credit for taxes due and includes certain employee relocation expenses as qualifying expenses. The bill exempts from the state sales tax construction materials used in the construction of a single manufacturing and distribution facility with a capital investment of at least one hundred million in real and personal property in the State over an eighteen month period. Relating to qualification of an inducement lease agreement for the fee in lieu of property taxes, the bill reduces from five million to two and one-half million dollars, the minimum investment requirement, and deletes certain investments from a four percent minimum investment ratio. Relating to qualifying for the fee in lieu of property taxes for industrial development projects, the bill deletes certain investments from a four percent minimum assessment ratio; reduces the minimum investment requirement; and reduces the minimum number of new full-time jobs which must be created at a project. Relating to the jobs tax credit, the bill adds a provision that in a county that is at least one thousand miles in size and that has had an unemployment rate greater than the state average for the past ten years and an average *per capita* income lower than the average *per capita* income for the past ten years, and that is not included in any county classifications specified in the bill, the credit allowed is two tiers higher than the credit for which the county otherwise would qualify. Relating to the jobs tax credit, the bill also provides that "new job" includes an apprenticeship created by a taxpayer when the taxpayer employs an apprentice as defined in the bill.

The House amended, approved, and sent to the Senate **H.4840**, the "**INDUSTRY PARTNERS ACT.**" This bill establishes within each of the three South Carolina Research Innovation Centers (SCRIC) a target program reflecting the basic research currently undertaken at each center and serving as the focal point of the State's applied research and development in each of the program areas of excellence: Clemson-automotive technology; Medical University of South Carolina-health science technology; and the University of South Carolina-fuel cell and hydrogen technology. The bill authorizes the South Carolina Research Authority (SCRA) and SCRIC to implement and manage specified programs in collaboration with the public and private sectors. Targeted programs of excellence are authorized to undertake initiatives including but not limited to incubation, collaborations, financing, and marketing. The bill establishes the "Industry Partnership Fund" at the SCRA (and/or an affiliate) for funding and financing programs. The bill allows taxpayers to claim as a credit against state income tax 100% of an amount contributed to the Industry Partnership Fund, up to a maximum credit of two million dollars, not to exceed an aggregate credit of six million dollars for all taxpayers in its first fiscal year of existence. The bill revises the SCRA Board by adding as an *ex-officio* member the Director of Savannah River National Laboratory, and by providing that the executive committee has all powers and authority of the board of trustees. The bill also amends the duties of the SCRIC by adding that it may provide financing to qualified companies.

The House approved and sent to the Senate **H.4661**. This joint resolution creates a **COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING THE STATE'S EARMARKED AND RESTRICTED ACCOUNTS.** The Speaker of the House, the President *Pro Tempore* of the Senate, the Chair of the House Ways and Means Committee, and the Chair of the Senate Finance

Committee would each appoint three members, who may be from either the public or private sector. Members of the General Assembly would be allowed to serve. The committee is charged to study the restricted and earmarked accounts of state agencies and issue a report and recommendations to the General Assembly by January 9, 2007. The committee terminates on January 9, 2007, or the date it forwards its report, whichever is earlier. The committee also amended the bill so as to provide that pending the filing of the report and recommendations, certain specified Statewide Accounting and Reporting System (STARS) subfunds are exempt from the provisions of Section 7, Act 156 of 2005, which requires that the first ten percent of any surplus General Fund Revenues must be applied to fully restore all funds previously transferred and appropriated from any earmarked or restricted accounts in the Statewide Accounting and Reporting System (STARS), effective July 1, 2006.

The House amended, approved, and sent to the Senate **H.4965**, a bill providing that it is **UNLAWFUL TO DISRUPT FUNERAL SERVICES**. The bill provides that it is unlawful for a person to wilfully or maliciously disturb or interrupt a funeral service. A violator is guilty of a misdemeanor and upon conviction must be fined not more than one hundred dollars or imprisoned not more than thirty days. The bill also provides that it is unlawful for a person to undertake an activity at a public or privately owned cemetery, other than the decorous participation in a funeral service or visitation of a burial space, without the prior written approval of the public or private owner. A violator is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

The House approved and sent to the Senate **H.4882**, a bill relating to the **SOUTH CAROLINA STATE HOSPITAL PROPERTY**. This bill provides that South Carolina State Hospital property under the control of or assigned to the Department of Mental Health by the department that is not in use may be sold or leased as provided in the bill. The bill creates a restricted account for the deposit of proceeds from such sale or lease and provides that these funds must be used to support adult long-term care, acute care, and forensic services lost with the closure of the State Hospital. The bill prohibits the Department of Mental Health from using these funds to supplant its current level of appropriated funding and requires the Department to report quarterly to the Governor and to the General Assembly on the use of the funds.

The House amended, approved, and sent to the Senate **H.3711**, the “**DISCOUNT MEDICAL PLAN ORGANIZATION REGISTRATION ACT**”. This legislation that it is unlawful for a person to sell, market, promote, advertise, or distribute a discount medical plan or other purchasing mechanism or device that is not insurance which purports to offer discounts or access to discounts from discount medical plans unless: (1) the person is organized according to the laws of this State or authorized to transact business in this State; (2) the person is registered with the Department of Consumer Affairs for this express purpose; (3) the plan or other purchasing mechanism or device expressly states in bold and prominent type, prominently placed, that the discounts are not insurance; (4) documentation is provided to the Department of Consumer Affairs that the discounts are specifically authorized and the person has a separate contract with each health care service provider, pharmacy, or pharmacy chain listed; and (5) the discounts are not misleading, deceptive, or fraudulent. The legislation requires an agent to be registered with the Secretary of State. The legislation provides for discount medical plan organizations to be registered with and regulated by the Department of Consumer Affairs. Penalties are provided for violations.

The House amended, approved, and sent to the Senate **H.4707**, the “**FINANCIAL LITERACY TRUST ACT.**” This bill establishes the South Carolina Financial Literacy Initiative (the Initiative), a program created to improve financial literacy by providing public and private funds for teachers and schools to provide financial literacy education for students in grades K-12. The Initiative’s goals would be to provide these students with tools they will need in the real world to manage their finances; to increase comprehensive services so students have reduced risk for financial failure after high school; and to promote high quality programs that provide instruction on pertinent financial literacy issues as described in the bill. The bill establishes and provides for a Board of Trustees (the Board) to oversee the Initiative through the awarding of grants to school districts. The Board would be chaired by the State Superintendent of Education who would serve as an *ex officio* voting board member. The Superintendent would appoint the initial eight voting members, who would represent areas of financial literacy instruction. Subsequent appointments would be made by the Superintendent from a slate presented by sitting board members. Among other functions, the Board is authorized by the bill to develop a long-range initiative for improving the financial literacy of these students; to provide oversight on implementing the Initiative at the state and district levels; to establish criteria and procedures for awarding grants from the Financial Literacy Trust; to create an annual revision of district needs assessments and identify assets from other funding sources; to assess and develop recommendations for improving financial literacy programs and funding and other programs and funding sources to carry out the Initiative; to establish results-oriented measures and objectives and assess whether services provided are meeting the goals and achieving the results established for the Initiative; to receive gifts, bequests, and devises for deposit in the Financial Literacy Trust; and to report annually to the General Assembly on activities and progress. The bill establishes and provides for the Office of South Carolina Financial Literacy (the Office) within the Department of Education. Among other functions, the Office would inform the Board on best practices, strategies, programs, and financing mechanisms; assist and recommend regarding grant proposals and improvement in meeting goals; recommend to the Board the applicants meeting grant criteria; submit an annual report to the Board; provide for continuous data collection and contract for performance audits as provided in the bill. The bill outlines requirements, processes, and procedures for awarding grants to school districts to address the financial literacy needs of K-12 students. The bill includes requirements for internal evaluation policies and procedures as well as requirements for evaluation at the state and local levels by an independent evaluator.

The House amended, approved, and sent to the Senate **H.4847**, relating to **SELLING TICKETS TO AN ATHLETIC CONTEST, SPORTING, ENTERTAINMENT, OR AMUSEMENT EVENT FOR MORE THAN THE PRESCRIBED AMOUNT.** This bill provides an exception for the sale or offer for sale of a ticket when authorized by the operator of the venue where the event is to be held and the operator states their resale policy in writing. If the operator of the venue authorizes the resale of tickets, the operator may impose a service charge of no more than twenty percent of the resale price plus reimbursement for taxes remitted in connection with the resale. The operator also may charge a delivery fee, if delivery services are provided. A ten thousand dollar civil fine is applicable for each violation. The entity is also subject to the payment of treble damages, attorneys’ fees, and costs associated with an action by a person who purchases a fraudulent ticket.



The House amended, approved, and sent to the Senate **H.4456** which creates the **"SOUTH CAROLINA CRIMESTOPPERS ACT."** The bill establishes the South Carolina Crimestoppers Council as a nonprofit organization and outlines the duties of the council, which among other things, include encouraging, advising and assisting in the creation of crimestopper organizations. A court may order a defendant to repay to a Crimestoppers Organization or to the Crimestoppers Council a reward issued by either entity. The bill outlines certain factors to be considered when determining whether the defendant must repay the award or part of the reward. The bill provides for the reimbursement of monies paid by a Crimestoppers Organization or the Crimestoppers Council for information that results in the arrest of an individual where monies are confiscated and forfeited pursuant to an arrest. The bill also provides for the maintenance and disbursement of funds reimbursed. The bill includes provisions for the admissibility of certain evidence, protected information, and protected identities in a court proceeding. The bill provides immunity from civil liability for certain persons who communicate with, act on privileged communication, or are officers or employees of a Crimestoppers Organization or the Crimestoppers Council. A public body may not disclose a privileged communication, protected information, or a protected identity except under certain conditions. It is a misdemeanor for a person who is a member or employee of the council, a Crimestoppers Organization or a law enforcement agency to divulge certain privileged communications. However, if the offense is committed with the intent to obtain monetary gain or some other benefit, then the offense is a Class F felony punishable by not more than five years.

The House amended, approved, and sent to the Senate **H.4808**, relating to the **ISOLATION AND QUARANTINE OF INDIVIDUALS**. This bill revises definitions used in the Emergency Health Powers Act. The bill amends the definition of "qualifying health condition" to include an illness or health condition caused by a natural disaster. The bill amends the definition of the term "trial court" to provide if that court is unable to function because of the isolation, quarantine, or public health emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Health and Environmental Control (DHEC). Relating to isolation and quarantine of individuals and penalties for noncompliance, **H.4808** establishes a maximum penalty of a fine of one thousand dollars or thirty days in prison, or both. **H.4808** provides that an employer may not fire, demote or otherwise discriminate against an employee subject to isolation or quarantine orders; however, an employer may require an employee subject to isolation or quarantine to use annual or sick leave to comply with such an order. Relating to isolation and quarantine procedures, **H.4808** provides that before the declaration of a public health emergency isolation and quarantine orders issued must be undertaken in accordance with the Emergency Health Powers Act. Relating to appointment and use of in-state and out-of-state health personnel in a state of public health emergency, **H.4808** provides that any in-state or out-of-state health care provider appointed by DHEC is immune from civil liability for damages resulting from medical care or treatment so long as the actions taken in rendering the care or treatment meet applicable standards of care and do not constitute gross negligence, recklessness, willfulness or wantonness. This provision applies whether or not the health care provider receives financial gain from the State for its volunteer services, and even if the health care provider receives compensation benefits from the health care provider's employer. Immunity from civil liability is also provided for any emergency medical examiner or coroner so long as their actions taken in rendering services meet applicable standards of care and do not constitute gross negligence, recklessness, willfulness or wantonness.

The House amended, approved, and sent to the Senate **H.4681**, pertaining to **FIREARMS AND CONCEALED WEAPON PERMITS**. Any county, municipality, or political subdivision has the authority to regulate the careless or negligent discharge or public brandishment of firearms. The bill denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest or a courtesy summons to appear. This bill also provides that the State Law Enforcement Division may release a list of concealed weapon permit holders or verify an individual's permit status only if the request is to aid in an official law enforcement investigation.

The House amended, approved, and sent to the Senate **H.4938**. This bill authorizes the Adjutant General to organize and maintain an organization known as the **EMERGENCY AIR WING OF THE SOUTH CAROLINA STATE GUARD**. The organization shall consist of volunteer pilots and flight ground crews interested in providing emergency air support with airplanes owned by private citizens. The Adjutant General shall devise a table of organization, equipment, and regulations to facilitate the purposes of the Emergency Flight Wing and shall be responsible for training and deciding what duties, responsibilities, and activities the group shall provide in both planes and personnel. Each airplane participating in any activity of the Emergency Air Wing shall be required to have no less than one million dollars in liability insurance and shall list the Adjutant General as an additional insured to ensure that in the event of any claim resulting from any training or duty activity insurance is available to compensate for damages up to the caps provided by the South Carolina Tort Claims Act. Recovery of workers' compensation benefits by members of the Emergency Air Wing of the South Carolina State Guard shall be payable from the State Accident Fund of the State of South Carolina.

The House amended, approved, and sent to the Senate **H.4366**. This bill **REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE UP TO THREE MILLION DOLLARS A YEAR TO OFFER GRANTS OF NOT MORE THAN THIRTY THOUSAND DOLLARS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS**. Volunteer fire departments and combination fire departments with a staffing level that is at least eighty-five percent volunteer are eligible to receive these grants. The funds would be used, as provided in the bill, to protect local communities and regional areas from fire, hazardous materials, and terrorism, and to provide for the safety of the volunteer firefighters. The bill requires and provides for the South Carolina State Firefighters' Association to administer the grants in conjunction with a peer review panel.

The House amended, approved, and sent to the Senate **H.3977**. This bill establishes an eleven-member **LAW ENFORCEMENT TRAINING COUNCIL**, transferring to this council all functions, duties, responsibilities, accounts, and authority statutorily exercised by the South Carolina Criminal Justice Academy Division of the Department of Public Safety. It is the stated intent of the bill to maximize training opportunities for law enforcement officers and criminal justice personnel, to coordinate training, and to set standards for the law enforcement and criminal justice service.

The House approved and sent to the Senate **H.4383**, relating to **INTERAGENCY SHARING OF JUVENILE RECORDS AND FINGERPRINTS FOR CERTAIN FIFTEEN YEAR OLDS**. Currently, certain entities and agencies share juvenile records. This bill includes the Department of Social Services among those agencies with whom juvenile

records may be shared. The bill also authorizes law enforcement agencies to fingerprint a child fifteen years of age or older living in a family childcare home to determine the child's criminal history.

The House amended, approved, and sent to the Senate **H.4312**, a bill providing **TAX CREDITS ON HYBRID AND ALTERNATIVE FUEL VEHICLES**. This bill provides that a taxpayer who is eligible for and claims the new federal qualified fuel cell motor vehicle credit, the new federal advanced lean burn technology motor vehicle credit, the new federal qualified hybrid motor vehicle credit, and the new federal qualified alternative fuel motor vehicle credit is allowed a state income tax credit equal to twenty percent of that federal income tax credit.

The House amended, approved, and sent to the Senate **H.4264**, a bill providing **FREE TUITION CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES**. This bill amends current provisions relating to free tuition for children of firemen, law enforcement officers, and governmental employees totally disabled or killed in the line of duty, so as to also include children in the custody of the Department of Social Services pursuant to court order or children formerly in the custody of the Department of Social Services who currently are participating in a Department of Social Services program for children transitioning from foster care to independent living. The legislation also creates a Study Committee to review all tuition waivers currently provided by law and to determine the feasibility of providing tuition waivers for members of the National Guard.

The House amended, approved, and sent to the Senate **H.4723**. This bill establishes the **DIVISION ON AFFORDABLE HOUSING WITHIN THE OFFICE OF THE LIEUTENANT GOVERNOR**. This division shall be supported by an Advisory Commission on Affordable Housing, which shall be comprised of individuals from a variety of disciplines who are trained and knowledgeable in affordable housing needs. The mission of this division and advisory commission is to: identify and establish strategies to address the need for low income affordable housing; develop a statewide strategy to educate South Carolinians on the issues related to affordable housing; develop a reporting system and collect statistical data related to affordable housing issues in South Carolina; and, assess current housing programs and gather information on best practice models for the advisory commission's consideration. The advisory commission may utilize both private and public funding in addition to funds appropriated by the General Assembly. The division director will be required to file a quarterly report of the division's and advisory commission's activities and recommendations to the Governor and both houses of the General Assembly on a quarterly basis.

The House approved and sent to the Senate **H.4800**. This bill **ALLOWS THE TARGETED TAX CREDIT, THE INCOME TAX CREDIT FOR ESTABLISHING OR ADDING TO A CORPORATE HEADQUARTERS, AND THE TAX CREDIT ALLOWED A CORPORATION FOR CONSTRUCTION OR IMPROVEMENT OF AN INFRASTRUCTURE PROJECT TO BE CLAIMED AGAINST THE BANK TAX**.

The House approved and sent to the Senate **H.4951**, a bill relating to the **TARGETED JOBS TAX CREDIT**. This bill provides that in a county which is at least one thousand miles in size and which has had an unemployment rate greater than the state average for the past ten years, and an average *per capita* income lower than the average state *per capita* income for the past ten years, and which is not eligible for any of the special

county classifications, the targeted jobs tax credit allowed is two tiers higher than the credit for which the county otherwise would qualify.

The House approved and sent to the Senate **H.4504**. This bill amends numerous sections of the South Carolina Code so as to **DEVOLVE UPON THE DEPARTMENT OF REVENUE CERTAIN POWERS AND RESPONSIBILITIES RELATED TO THE OPERATIONS OF A COUNTY TREASURER AND COUNTY AUDITOR. THESE POWERS AND RESPONSIBILITIES ARE CURRENTLY ASSIGNED TO THE COMPTROLLER GENERAL.**

The House approved and sent to the Senate **H.4426**. This bill **PROVIDES THAT IF AN ENTITY WHICH IS EXEMPT FROM PROPERTY TAX AS A NONPROFIT CORPORATION FUNDED BY FEDERAL OR STATE LOANS OR AS A RELIGIOUS, CHARITABLE, ELEEMOSYNARY, EDUCATIONAL, OR LITERACY ORGANIZATION LEASES PROPERTY OWNED BY IT TO SIMILARLY PROPERTY TAX EXEMPT ENTITIES, THE LEASED PORTION OF THE PROPERTY IS EXEMPT FROM PROPERTY TAX.**

The House amended, approved, and sent to the Senate **H.3718**. This bill **PROVIDES AN EXEMPTION FROM AD VALOREM TAXES FOR ALL PROPERTY OF NONPROFIT HOUSING CORPORATIONS OR SOLELY-OWNED NONPROFIT INSTRUMENTALITIES OF THESE CORPORATIONS WHICH IS DEVOTED TO PROVIDING HOUSING TO LOW OR VERY LOW INCOME RESIDENTS.** This provision applies for calendar years beginning after December 31, 2005.

The House approved and sent to the Senate **H.4307**. This bill **INCORPORATES BY REFERENCE FOR PROPERTY TAX PURPOSES THE DEFINITION OF "PRIVATE PASSENGER MOTOR VEHICLE" USED IN THE MOTOR VEHICLE REGISTRATION AND LICENSING LAW. THE BILL INCREASES THE WEIGHT LIMIT FOR PICKUP TRUCKS FOR PURPOSES OF THIS DEFINITION, AND ALSO PROVIDES THAT THE DEFINITION IS DEEMED TO INCLUDE MOTORCYCLES.**

The House amended, approved, and sent to the Senate **H.4966**, a bill which **AMENDS THE "SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT."** The bill **INCREASES FROM 15% TO 30% THE AMOUNT THAT MAY BE REBATED TO A MOTION PICTURE PRODUCTION COMPANY IN SOUTH CAROLINA IF THE COMPANY HAS A MINIMUM IN-STATE EXPENDITURE IN THE AGGREGATE OF AT LEAST ONE MILLION DOLLARS.**

The House amended, approved, and sent to the Senate **H.3034**. This joint resolution requires the **DEPARTMENT OF COMMERCE TO STUDY THE VIABILITY OF ESTABLISHING AN INLAND INTERMODAL PORT** in the vicinity of the intersection of Interstate highways 95 and 26 and to report findings to the General Assembly in January 2007.

The House approved and sent to the Senate **H.3681**, a bill **AUTHORIZING THE UNIVERSITY OF SOUTH CAROLINA-SUMTER TO OFFER FOUR-YEAR DEGREES** contingent on funding. The bill revises the State General Obligation Economic Development Bond Act, so as to include the University of South Carolina-Sumter within the definition of "project" for the purpose of implementation of its four-year degrees.

The House approved and sent to the Senate **H.5001**, a bill relating to **TRIDENT TECHNICAL COLLEGE**. In order to promote and enhance South Carolina's economic development through the location and development of the film industries and high-technology businesses and industries, this bill provides for a "Main Campus" and a separate "Enterprise Campus" at Trident Technical College. The bill establishes and provides for the Trident Technical College Enterprise Campus Authority and empowers it to provide for the management, development, and operation of the enterprise campus.

The House amended, approved, and sent to the Senate **H.4662**. As reported by the committee, this bill **REDUCES AUTHORIZED FUNDING FOR SEVERAL CLEMSON PROJECTS PREVIOUSLY AUTHORIZED IN A STATE CAPITAL IMPROVEMENT BOND ACT AND ESTABLISHES A NEW PROJECT, THE RHODES ENGINEERING RESEARCH CENTER ADDITION, WITH FUNDING OF \$8,052.193.**

The House approved and sent to the Senate **H.4737**, a bill relating to **TAX CREDITS FOR LOW INCOME HOUSING**. The bill provides that federal or state income tax credits for "low income housing" (as defined in the bill) may not be considered with respect to the valuation of real property or in determining the fair market value of real property for property tax purposes. The bill also provides that for properties that have deed restrictions in effect that promote or provide for low income housing, the income approach must be the method of valuation to be used.

The House amended, approved, and sent to the Senate **H.3949**, a bill relating to **BINGO CARD CHARGES**. This bill reduces from sixteen and one-half cents to ten cents for each dollar of face value for each bingo card sold for AA, B, D, and E licenses. The bill also requires a charge of four cents for each dollar of face values for each bingo card sold for a C license.

The House approved and sent to the Senate **H.4240**, legislation that reenacts the provisions establishing the CMRS Emergency Telephone Advisory Committee and makes the committee permanent under the revised name of the **SOUTH CAROLINA 911 TELEPHONE ADVISORY COMMITTEE**. The legislation removes the State Auditor and the Director of the Office of Information Resources as members of the committee and includes a Division Director of the Budget and Control Board as a member. The legislation eliminates term limits applicable to committee members and makes conforming amendments.

The House approved and sent to the Senate **H.4982**. This bill revises provisions relating to the unlawful carrying of a handgun, so as to include in the exceptions to the offense **RESERVE POLICE OFFICERS OF A STATE AGENCY**. The bill also revises provisions relating to training course requirements for reserve units, so as to provide that additional training may be prescribed by the entity having a reserve unit under certain circumstances.

The House amended, approved, and sent to the Senate **H.4579**, relating to **ELECTIONS**. Significant revisions include the following:

- The bill requires county election commission to conduct a referendum at the next scheduled general election on the question of implementing the local option sales and use tax within the county area. Likewise, a referendum to rescind the local option sales and use tax must be conducted at a scheduled general election.

- The bill requires that general elections for federal, state, county and municipal officers in this State must be held on the first Tuesday following the first Monday in November in each even-numbered year.

The bill enacts the Uniform Election Procedure Act, which provides that beginning at the time of the general election of 2008 and each year after that as appropriate, members of a governing body must be elected in elections conducted at the time of the general election. The term 'governing body' means the governing body of a municipality, school board or school district.

The House approved and sent to the Senate **H.4831**, a bill revising provisions for **COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS** so as to provide that the Circuit Solicitor, rather than the Department of Social Services, shall facilitate the development of these councils in each county or judicial circuit. The legislation also adds a representative of the Department of Social Services to the recommended participants on the councils and provides that members on such councils shall establish memoranda of agreement among and between these members.

The House approved and sent to the Senate **H.4075**. This bill provides that **A SCHOOL DISTRICT WHOSE BUDGET OF TOTAL EXPENDITURES EXCEEDS SEVENTY-FIVE MILLION DOLLARS BECAUSE OF A ONE-TIME CONSTRUCTION PROJECT IS EXEMPT FROM THE PROVISIONS OF THE CONSOLIDATED PROCUREMENT CODE.**

The House returned **S.489** to the Senate with amendments. This bill **CODIFIES THAT THE CHILDREN'S TRUST FUND; A RESIDENTIAL GROUP FACILITY WHICH PROVIDES ON-SITE TEACHING FOR RESIDENTS IF THE FACILITY'S EMPLOYEES ARE CURRENTLY MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM OR IF IT PROVIDES, AT NO COST, EDUCATIONAL FACILITIES ON ITS GROUNDS TO THE SCHOOL DISTRICT IN WHICH IT IS LOCATED; A FEDERALLY QUALIFIED HEALTH CENTER; COUNTY FIRST STEPS PARTNERSHIP; AND PALMETTO PRIDE MAY PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS.**

The House amended, approved, and sent to the Senate **H.4691**, a bill relating to the **USE OF STATE ACCOMMODATIONS TAX REVENUE**. This bill provides that in counties in which less than nine hundred thousand dollars in accommodations tax or local hospitality tax is collected annually, up to 20% of the revenue in the preceding year of the local accommodations tax may be used for the operation and maintenance of certain tourist-related facilities, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

The House approved and sent to the Senate **H.4481**, a bill relating to the **DEPARTMENT OF TRANSPORTATION'S MANAGEMENT OF VEGETATION ALONG INTERSTATE HIGHWAY MEDIANS**. This bill provides that the Department of Transportation may conduct at its discretion a vegetation management project on the medians, roadsides, and interchanges along the interstate highway system.

The House approved and sent to the Senate **H.3901**, relating to the **SALE OF AGRICULTURAL PRODUCTS GROWN IN ANOTHER STATE**. This bill provides that

agricultural products grown in another state may be sold at roadside markets or local stands in South Carolina by the out-of-state producer or his/her authorized agency in the same manner in-state producers are permitted to sell such products, only if the other state permits agricultural producers from South Carolina the same privilege. Otherwise, the bill requires the out-of-state producer to comply with all licensing and other regulatory requirements.

The House approved and sent to the Senate **H.4021**, relating to **CATCH LIMITS FOR FLOUNDER**. The bill reduces the catch limit of flounder from twenty to fifteen. The bill also increases the size limit for flounder from twelve to fourteen inches total length.

The House amended Senate amendments to **H.3193**, **ALLOWING A TECHNICAL EDUCATION INSTITUTION TO CHANGE ITS NAME**, and returned the bill to the Senate.

The House amended Senate amendments on **H.4324**, relating to **HUNTING ISLAND STATE PARK SPECIAL LICENSE PLATES**, and returned the bill to the Senate.

The House amended Senate amendments on **H.4195**, relating to **“PARROT HEAD” SPECIAL LICENSE PLATES**, and returned the bill to the Senate.

The House recommitted to the Medical, Military, Public and Municipal Affairs Committee **H.3630**, a bill **REQUIRING HOSPITALS TO GIVE PATIENTS BEING DISCHARGED FROM THE EMERGENCY ROOM THE OPTION OF RECEIVING AT LEAST A TWENTY-FOUR HOUR SUPPLY OF ANY MEDICATIONS BEING PRESCRIBED**.

The House recommitted to the Education and Public Works Committee **H.4879**, a bill **REVISING THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION**.

The House recommitted to the Education and Public Works Committee **H.4880**, a joint resolution proposing a **STATE CONSTITUTIONAL AMENDMENT REVISING THE STATE BOARD OF EDUCATION**.

The House recommitted to the House Labor, Commerce and Industry Committee **H.4089**, a bill **REQUIRING HOME BUILDERS TO CARRY WORKERS' COMPENSATION INSURANCE ON ALL EMPLOYEES WORKING AT BUILDING SITES**.

The House recommitted to the Judiciary Committee **H.3795**, a bill **PROHIBITING SMOKING IN RESTAURANTS** and other facilities.

## HOUSE COMMITTEE ACTION

The full committees did not meet this week.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## EDUCATION AND PUBLIC WORKS

### **H.5045 HIGH SCHOOL SPECIAL LICENSE PLATES** Rep. Mahaffey

This bill authorizes and provides for the issuance of special license plates which have imprinted on them an emblem, seal, or other symbol of an accredited public or private high school in South Carolina.

### **S.148 "SOUTH CAROLINA RELEASED TIME CREDIT ACT"** Sen. Campsen

This bill allows and provides for a school district board of trustees, under certain specified conditions, to award high school students an appropriate number of elective Carnegie units for the completion of released time classes in religious instruction.

## JUDICIARY

### **S.1267 ELECTRONIC MONITORING OF SEX OFFENDERS** Sen. Hawkins

This bill provides that individuals convicted of or pleading guilty to certain sex offenses must have active electronic monitoring by the Department of Probation, Pardon and Parole. The bill outlines penalties, including incarceration, for willful violations of electronic monitoring. The bill includes notification requirements for victims; additionally, the bill outlines time frames for the Department of Corrections to notify the Department of Probation, Pardon and Parole concerning release dates for sex offenders.

## LABOR, COMMERCE AND INDUSTRY

### **H.5044 SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION**

Rep. McGee

This bill revises provisions for the qualifications and appointment of members of the South Carolina Residential Builders Commission so as to eliminate the provision requiring appointment of certain members of the commission upon the recommendation of the Residential Home Builders Association.

### **S.1174 EXECUTIVE ASSISTANT AND ADMINISTRATIVE DIRECTOR OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION**

Sen. McConnell

This bill revises provisions relating to the relationship between the Chairman, Executive Assistant, and Administrative Director of the South Carolina Workers' Compensation Commission, so as to eliminate the position of Executive Assistant for the Judicial Department. The bill revises provisions relating to the Administrative Director of the Administrative Department Of The Workers' Compensation Commission, so as to change the name of the Administrative Director to the Executive Director.



## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **S.910 NURSES Sen. Knotts**

This bill makes numerous revisions pertaining to the licensure and practice of nurses. Revisions include:

- This bill requires nurses to wear an identification badge.
- Relating to nursing licensure requirements, this bill revises the type of document that must be submitted for proof of identity and age.
- Relating to the scope of practice authorized for various levels of nursing and requirements for certain specified acts of nursing, this bill clarifies the information that must be provided by nurses with prescriptive authority when writing prescriptions.
- Relating to licensure requirements for out-of-state nurses, the bill revises the type of document that must be submitted for proof of identity and age.
- Relating to the issuance of nursing licenses, including requirements for temporary and limited licenses, this bill applies these requirements to temporary and limited licenses of advanced practice registered nurses.
- Relating to requirements for demonstrating competency for initial and renewal licensure, this bill clarifies certain requirements and applies certain of these requirements to individuals seeking reinstatement of a lapsed or inactive status or licensure of a person who is authorized to practice out-of-state.

### **S.1032 DELAYED BIRTH CERTIFICATES Sen. Lourie**

This bill amends the procedures for obtaining a court-ordered delayed birth certificate. The bill allows an individual that no longer resides in South Carolina to file an action in the state where the individual currently lives. Among other things, the bill requires that a certificate from the State Registrar of Vital Statistics must be attached to the petition stating that no birth record has been located in the records of South Carolina. The individual must serve a copy of the petition on the State Registrar of Vital Statistics at least thirty days before a scheduled hearing.

### **S.1059 "I'M SORRY" LEGISLATION Sen. Hutto**

This bill allows certain health care providers to apologize and express sympathy to a patient, patient's relative, or patient's representative and otherwise discuss the unanticipated outcome of medical care, without the statements being used as evidence in a civil court case as an admission of liability or an admission against interest.

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